

1 THE HONORABLE BENJAMIN H. SETTLE
2
3
4
5
6
7
8
9

10
11
12 UNITED STATES DISTRICT COURT
13 WESTERN DISTRICT OF WASHINGTON
14 AT TACOMA
15

16 LUMENTUM OPERATIONS LLC,
17
18 Plaintiff,
19
20 v.
21
22 nLIGHT, INC.; DAHV KLINER; and
23 ROGER L. FARROW,
24
25 Defendants.
26

27 NO. 3:22-CV-05186-BHS

28 **STIPULATED MOTION AND ORDER
29 TO MODIFY SCHEDULING ORDER**

30 **NOTE ON MOTION CALENDAR:
31 WEDNESDAY, MAY 8, 2024**

32
33 **STIPULATED MOTION**

34 Pursuant to LCR 16(b)(6), Plaintiff Lumentum Operations LLC (“Lumentum”) and
35 Defendants nLIGHT, Inc. (“nLIGHT”), Dahv Kliner (“Kliner”), and Roger L. Farrow
36 (“Farrow”) (collectively, the “Parties”), by and through the undersigned counsel, hereby
37 respectfully submit this Stipulated Motion to Modify the Scheduling Order (Dkt. Nos. 47, 75,
38 82).

39 Since the Court granted the Parties’ prior stipulation to modify the Scheduling Order
40 (Dkt. 82), the Parties appeared at the April 18, 2024 Hearing regarding the Expedited Joint
41 Motion for Discovery by Lumentum (Dkt. 76). Consistent with the Court’s guidance at the
42 April 18, 2024 Hearing, the parties have been diligently working together, including multiple
43 meet and confers, to produce documents and supplement discovery responses as ordered by the
44 Court, take depositions, and attempt to resolve remaining discovery disputes.

45 STIPULATED MOTION AND ORDER TO MODIFY SCHEDULING FAEGRE DRINKER BIDDLE & REATH LLP
46 ORDER - 1 1144 15TH ST. #3400
47
48
49

1 Defendants have not yet been able to produce manuals and specifications for the Corona
 2 fiber laser products as ordered by the Court, but the parties continue to work cooperatively on
 3 this and other disputed discovery issues, and expect that these issues will be resolved soon. In
 4 addition, lead counsel for Lumentum has had to take a short leave due to the loss of his mother
 5 on April 28, 2024. So that discovery may be further completed and remaining issues resolved
 6 in advance of expert disclosures, the Parties agree that good cause exists to slightly modify the
 7 Scheduling Order as set forth below. This request only seeks to modify the first five pre-trial
 8 dates while keeping the trial date and remaining pre-trial dates the same:

| Event | Original Date | Revised Date per Dkt. 82 | Proposed Third Revised Date |
|---|--------------------------------|--------------------------------|--------------------------------|
| Expert Witness Disclosure/Reports Deadline | April 8, 2024 | May 15, 2024 | May 28, 2024 |
| Rebuttal Expert Disclosure/Reports Deadline | May 8, 2024 | June 21, 2024 | July 2, 2024 |
| Motions Deadline | May 20, 2024 | June 28, 2024 | July 8, 2024 |
| Discovery Deadline | June 17, 2024 | July 8, 2024 | July 17, 2024 |
| Dispositive Motions Deadline | July 17, 2024 | July 17, 2024 | July 24, 2024 |
| Motions in Limine Deadline | September 9, 2024 | September 9, 2024 | September 9, 2024 |
| Pretrial Order Deadline | September 23, 2024 | September 23, 2024 | September 23, 2024 |
| Voire Dire, Jury Instruction, Trial Brief, and Agreed Neutral Statement of the Case, and Deposition Designations Deadline | September 24, 2024 | September 24, 2024 | September 24, 2024 |
| Pretrial Conference | September 30, 2024, at 3:00 PM | September 30, 2024, at 3:00 PM | September 30, 2024, at 3:00 PM |

STIPULATED MOTION AND ORDER TO MODIFY SCHEDULING ORDER - 2 FAEGRE DRINKER BIDDLE & REATH LLP
 1144 15TH ST. #3400
 DENVER, CO 80202

| Event | Original Date | Revised Date per Dkt. 82 | Proposed Third Revised Date |
|--------------------------------------|------------------------------|------------------------------|------------------------------|
| Seven Day Jury Trial set to commence | October 15, 2024, at 9:00 AM | October 15, 2024, at 9:00 AM | October 15, 2024, at 9:00 AM |

For the foregoing reasons, the Parties respectfully request that the Court modify the Scheduling Order as set forth above. A proposed Order is submitted herewith.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED this 8th day of May, 2024.

FAEGRE DRINKER BIDDLE & REATH LLP

By: s/ Doowon R. Chung
 Joel D. Sayres
 Shelby Pickar-Dennis
 1144 15th Street, Suite 3400
 Denver, CO 80202
 Telephone: (303) 607-3500
Joel.Sayres@FaegreDrinker.com
Shelby.Pickar-Dennis@FaegreDrinker.com

David J.F. Gross
 Braden M. Katterheinrich
 Johnathon E. Webb
 Doowon R. Chung
 2200 Wells Fargo Center
 90 S. 7th Street, Suite 2300
 Minneapolis, MN 55402
 Telephone: (612) 766-7000
David.Gross@FaegreDrinker.com
Braden.Katterheinrich@FaegreDrinker.com
Johnathon.Webb@FaegreDrinker.com
Doowon.Chung@FaegreDrinker.com

Zachary D. Wawrzyniakowski
 320 South Canal Street, Suite 3300
 Chicago, IL 60606-5707
 Telephone: (312) 569-1000
Zachary.Wawrzyniakowski@FaegreDrinker.com

CORR|DOWNS PLLC

STIPULATED MOTION AND ORDER TO MODIFY SCHEDULING FAEGRE DRINKER BIDDLE & REATH LLP
 ORDER - 3

1 Joseph P. Corr, WSBA No. 36584
2 100 W Harrison St, Suite N440
3 Seattle, WA 98119
4 Telephone: 206.962.5040
ghoog@corrdowns.com
jcorr@corrdowns.com

5
6 *Attorneys for Plaintiff Lumentum Operations LLC*

7 WILEY REIN LLP

8 By: s/ Scott A. Felder _____
9 Scott A. Felder (*Pro Hac Vice*)
10 Wesley E. Weeks (*Pro Hac Vice*)
11 Lisa M. Rechden (*Pro Hac Vice*)
12 2050 M Street NW
13 Washington, DC 20036
14 Tel: (202) 719-7000
sfelder@wiley.law
wweeks@wiley.law
lrechden@wiley.law

15 BRYAN CAVE LEIGHTON PAISNER LLP

16 Tyler L. Farmer, WSBA #39912
17 Elisabeth Read, WSBA #59762
18 999 Third Avenue, Suite 4400
19 Seattle, WA 98104
20 Telephone: (206) 623-1700
tyler.farmer@bclplaw.com
elisabeth.read@bclplaw.com

21 *Attorneys for Defendants nLIGHT, Inc., Dahv Kliner*
22 *and Roger L. Farrow*

23
24
25
26
27 STIPULATED MOTION AND ORDER TO MODIFY SCHEDULING FAEGRE DRINKER BIDDLE & REATH LLP
ORDER - 4 1144 15th ST. #3400
DENVER, CO 80202
(303) 607-3500

ORDER

This matter, having come before the Court on the above stipulation, it is hereby
ORDERED THAT:

Relief is granted to extend the following deadlines:

| Event | Original Date | Revised Date | Proposed Third Revised Date |
|---|---------------|---------------|-----------------------------|
| Expert Witness Disclosure/Reports Deadline | April 8, 2024 | May 15, 2024 | May 28, 2024 |
| Rebuttal Expert Disclosure/Reports Deadline | May 8, 2024 | June 21, 2024 | July 2, 2024 |
| Motions Deadline | May 20, 2024 | June 28, 2024 | July 8, 2024 |
| Discovery Deadline | June 17, 2024 | July 8, 2024 | July 17, 2024 |
| Dispositive Motions Deadline | July 17, 2024 | July 17, 2024 | July 24, 2024 |

Pursuant to the above Stipulation, the trial date and all other pre-trial deadlines shall remain the same.

IT IS SO ORDERED.

Dated this 8th day of May, 2024.


BENJAMIN H. SETTLE
United States District Judge

STIPULATED MOTION AND ORDER TO MODIFY SCHEDULING ORDER
Case No. 3:22-cv-05186-BHS

FAEGRE DRINKER BIDDLE & REATH LLP
1144 15TH ST. #3400
DENVER, CO 80202

1 Presented by:

2 FAEGRE DRINKER BIDDLE & REATH LLP

3 By: s/ Doowon R. Chung

4 Joel D. Sayres
5 Shelby Pickar-Dennis
6 1144 15th Street, Suite 3400
7 Denver, CO 80202
8 Telephone: (303) 607-3500
9 Joel.Sayres@FaegreDrinker.com
10 Shelby.Pickar-Dennis@FaegreDrinker.com

11 David J.F. Gross
12 Braden M. Katterheinrich
13 Johnathon E. Webb
14 Doowon R. Chung
15 2200 Wells Fargo Center
16 90 S. 7th Street, Suite 2300
17 Minneapolis, MN 55402
18 Telephone: (612) 766-7000
19 David.Gross@FaegreDrinker.com
20 Braden.Katterheinrich@FaegreDrinker.com
21 Johnathon.Webb@FaegreDrinker.com
22 Doowon.Chung@FaegreDrinker.com

23 Zachary D. Wawrzyniakowski
24 320 South Canal Street, Suite 3300
25 Chicago, IL 60606-5707
26 Telephone: (312) 569-1000
27 Zachary.Wawrzyniakowski@FaegreDrinker.com

28 CORR|DOWNS PLLC

29 Joseph P. Corr, WSBA No. 36584
30 100 W Harrison St, Suite N440
31 Seattle, WA 98119
32 Telephone: 206.962.5040
33 ghoog@corrdowns.com
34 jcorr@corrdowns.com

35 ***Attorneys for Plaintiff Lumentum Operations LLC***

36 STIPULATED MOTION AND ORDER TO MODIFY SCHEDULING FAEGRE DRINKER BIDDLE & REATH LLP
37 ORDER 1144 15TH ST. #3400
38 Case No. 3:22-cv-05186-BHS DENVER, CO 80202
39 (303) 607-3500

1 WILEY REIN LLP

2 By: s/ Scott A. Felder

3 Scott A. Felder (*Pro Hac Vice*)
4 Wesley E. Weeks (*Pro Hac Vice*)
5 Lisa M. Rechden (*Pro Hac Vice*)
6 2050 M Street NW
7 Washington, DC 20036
Tel: (202) 719-7000
sfelder@wiley.law
wweeks@wiley.law
lrechden@wiley.law

8 BRYAN CAVE LEIGHTON PAISNER LLP

9 Tyler L. Farmer, WSBA #39912
10 Elisabeth Read, WSBA #59762
11 999 Third Avenue, Suite 4400
12 Seattle, WA 98104
13 Telephone: (206) 623-1700
tyler.farmer@bclplaw.com
elisabeth.read@bclplaw.com

14 *Attorneys for Defendants nLIGHT, Inc., Dahv Kliner
and Roger L. Farrow*

15
16
17
18
19
20
21
22
23
24
25
26
27
STIPULATED MOTION AND ORDER TO MODIFY SCHEDULING FAEGRE DRINKER BIDDLE & REATH LLP
ORDER 1144 15TH ST. #3400
Case No. 3:22-cv-05186-BHS DENVER, CO 80202
(303) 607-3500